

CITY COMMISSION MINUTES

February 2, 2010

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, February 2, 2010 with Mayor Terry Heldstab presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: Interim City Manager Mike Guinn, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

GENERAL DISCUSSION

Scott Johnson, When the City Commission voted on the Ventria lease agreement at the last commission meeting the Commission did not receive enough information to vote. The City is borrowing money to give to companies. The Commission received incorrect information from EDC Director Black regarding the number of Ventria employees; there are 12 and not 36. The City Commissioners that attended the Chamber retreat should have let the rest of the Commission know about the employment numbers. Venture capitalists should be investing in these companies, and not Junction City taxpayers. The EDC should have approved the lease before the City Commission as was done in the past. The amount of rice grown does not matter to the City; the City needs jobs. The City is going into future debt so that a company may have future profits. Citizens of Junction City need to come to City Commission meetings; get off the couch and tell the Commission what you want.

John Stewart stated that there was some unfinished City business he would like to address. Mr. Stewart stated that the City has a problem not getting back to people. Mr. Smith would like to see the City work on a policy regarding driving and cell phone use. Mr. Smith would like to see the Commission address the issue of term limits. Mr. Stewart would like to see a program where a percentage of Neighborhood Revitalization funds would be placed in an account to fund sidewalk and landscape improvements in NRP areas. Mr. Stewart also asked why the City has not yet addressed the complaints of Mrs. Koppenheffer.

Emmanuel Wise stated he was protecting his family and is now going to be evicted for doing so. He has not contacted the City Commission in the past because he knows it would not do any good. There is too much gang activity, drugs and violence near his home. He thought the problems of the 1970's were gone, but crime is coming back in Junction City. He is being evicted because he was being threatened by an intoxicated person in front of his home; Mr. Wise stated that he used a BB gun to protect his family. He was accused of pointing the weapon at a police officer and went to jail. He was not allowed to defend his family. There is no justice. He was trying to take care of his mother. He feels he is being persecuted for doing the right thing. He has worked with the Junction City Housing Authority (JCHA) for 5 years. Now he is being evicted and will be

homeless because he has no money and is disabled. Mayor Heldstab asked that Mr. Grubbs be contacted regarding this matter. Commissioner Johnson asked if Mr. Wise lived in a house or apartment. Mr. Wise stated that he lives in a duplex, and people smoke marijuana around the building. Mayor Heldstab stated that Interim City Manager Guinn will contact Mr. Grubbs regarding this issue. Commissioner Taylor asked if there were problems in achieving a quorum at JCHA meetings. Police Chief Brown stated that he is on the board, and there has not been a quorum problem. Commissioner Taylor also stated that Mr. Grubbs needed to be contacted regarding this issue.

CONSENT AGENDA

- a. Approval of the **January 19, 2010** City Commission Meeting Minutes.
- c. The consideration and approval for the **Grant of Easement by USD 475** to connect water service within the new McConnell Plat.
- d. The consideration and approval to name the City of Junction City as the **Fiscal Agent for the funds for the Crossroads of Leadership program.**

Commissioner Johnson moved, seconded by Commissioner Taylor to remove item 3b appropriation ordinance from the consent agenda for separate discussion. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the consent agenda as amended. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

SEPARATE DISCUSSION

The consideration of Appropriation Ordinance dated January 12, 2010 to January 27, 2010 in the amount of \$2,953,952.71. Commissioner Johnson inquired regarding a \$500.00 payment to Hutchinson Community College. Administrative Services Director Gowen stated that the payment was for the 2009 Youth Commission Scholarship. Commissioner Johnson inquired regarding a \$1,250.00 payment to Junghans Agency and a \$5,972.00 payment to Kaw Valley Engineering, both costs for property at 14th and Jackson. Interim City Manager Guinn stated that the property was to be used for self-help housing, but the USDA refused the lot because it was not valued at \$30,000.00. Commissioner Johnson stated that this was approximately \$7,000 spent that should not have been. Commissioner Rhodes moved, seconded by Commissioner Talley to approve item 3b Appropriation Ordinance. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

SPECIAL PRESENTATIONS

A presentation from Greg Unruh with an update on Ventria Bioscience. Commissioner Taylor thanked Mr. Unruh for coming to present to the City Commission; it will further help the public understand what is going on. Mr. Unruh

stated that Ventria Bioscience had experienced much progress in 2009. Production was up in 2009; costs to create product was down. New product Optiferum was launched; it took 20 months for approval. Ventria is now ISO – 9000 certified. All field production is now taking place in Kansas; the USDA has permitted 750 acres of rice. Ventria will be planting 200 acres in 2010. Twelve employees now work at the Junction City facility, which is currently half of the Ventria Bioscience staff. A 3,000 sq foot greenhouse is being built for plant breeding activities. Commissioner Johnson asked Mr. Unruh if Ventria Bioscience is making a profit. Mr. Unruh stated that the company has not yet reached profitability. Mr. Unruh stated that private investors have put \$7 million into the company and plan to invest an additional \$2 million plus in the future. Mr. Unruh stated that Ventria Bioscience has not simply been handed money by the City, but that funds are connected to milestones that must be met by Ventria. Commissioner Johnson asked if Ventria Bioscience employees live in Junction City. Mr. Unruh stated that five Ventria employees live in Junction City; and the company hires local contractors when possible. Commissioner Johnson stated that investors should be taking the risk on Ventria and not taxpayers. Mayor Heldstab asked Mr. Unruh to speak on Ventria's employee relocation policy. Mr. Unruh stated that their company offers employees a relocation payment of \$7,500 for moving to Geary County; three employees have participated in the program. Commissioner Taylor thanked Mr. Unruh for updating the Commission as correct information does not always make it to the Commission. Commissioner Taylor asked what products Ventria Bioscience creates. Mr. Unruh Stated that the company mass produces protein for cell cultures which helps cells grow better; the company will be working to produce pharmaceutical grade products in the future. Commissioner Taylor stated that as field production in North Carolina has stopped, will the California facility also be closed. Mr. Unruh stated that employees in California will stay but future positions will be filled in Junction City. Mayor Heldstab stated that he called Mr. Unruh after the last Commission meeting so that information could be provided to the people on Ventria Bioscience. Mayor Heldstab stated that he regretted not making mention of the number of employees presented by Ventria at the Chamber event, but he does not believe the number of employees was a factor in approving the Ventria lease agreement. Commissioner Johnson stated that he would like to see the City stop throwing good money at bad money. Commissioner Talley asked if Ventria is working with the Kansas Bioscience Authority (KBA). Mr. Unruh stated that the Ventria Bioscience CFO is working with the KBA. Commissioner Talley stated that he would like to see more cooperation with the KBA to work the money down. Commissioner asked where the support from the state is with this. Interim City Manager Guinn stated that the City has not seen money from the state. Commissioner Taylor stated that he is disappointed with the state on this issue. Commissioner Taylor stated that he would like to have more meetings like the one today with Ventria in on a monthly basis with other companies.

A special presentation of **City Proclamation** recognizing February 12th and 13th, 2010 to be Lions District 17-I Appreciation Days.

NEW BUSINESS

The Consideration and approval of Ordinance G-1062 to revise the ordinance relating to building permit applications. City Attorney Katie Logan Presenting.

1. Approval of Ordinance G-1062 on First Reading.
2. Approval of request for Declaration of Emergency.
3. Approval of Ordinance G-1062 on Final Reading.

City Attorney Logan stated that she recommends the City Commission Pass Ordinance G-1062 on first and second reading. The ordinance requires that landowners and developers pay all outstanding property taxes prior to the issuance of a building permit. City Attorney Logan stated that the ordinance applies to legal entities and land owners. Taxes must be paid through the term of the permit, or the permit will be revoked. Evidence must be provided to the City showing that taxes have been paid. Mayor Heldstab asked if changes had been made to the permitting portion of the ordinance to make the permitting process more difficult. City Attorney Logan stated that changes were made to the part regarding the payment of taxes. Commissioner Johnson asked if changes were made regarding lot elevations. Interim City Manager Guinn stated that G-1062 does not change the permitting process with regard to lot elevations. Katie Logan stated that after the Passage of G-1062, the Ordinance should be treated as in effect as Interim City Manager Guinn stated; the permitting process takes 5 to 6 weeks. Commissioner Johnson moved, seconded by Commissioner Taylor to approve Ordinance G-1062 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried. Commissioner Taylor moved, seconded by Commissioner Johnson to approve request for Declaration of Emergency. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried. Commissioner Taylor moved, seconded by Commissioner Johnson to approve Ordinance G-1062 on final reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of the addendum to the Joint Service and Interlocal Service Agreement regarding the operation of the Junction City/Geary County Animal Shelter. Interim City Manager Guinn Presenting. Under the agreement the City would be responsible for amount budgeted and not for operational overages. The City would have the option not to fund. Commissioner Talley asked if the City gets anything for the building. Interim City Manager Guinn stated that Geary County Maintains the building and the City mows the grounds. Commissioner Talley asked if the City pays insurance for the building. Interim City Manager Guinn stated yes, the City pays the insurance. Commissioner Johnson stated that the number of Cats and Dogs at the shelter has more than doubled; he also stated that people should alert authorities if people are abusing animals. Commissioner Taylor extended thanks to Friends of the Animals for their efforts and for saving money. Commissioner Rhodes moved, seconded by Commissioner Johnson to approve the Joint Service and Interlocal Service Agreement regarding the operation of the Junction City/Geary County Animal Shelter. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of an agreement with Geary County for the City of Junction City to pay 25% of the cost of the aerial photography flyover; City share would be \$12,450.00. Interim City Manager Guinn Presenting. Interim City Manager Guinn stated that the costs of the 2007 aerial flyover were shared with only Ft. Riley, and at a cost of \$17,000 to the City. Interim City Manager Guinn stated that City and County GIS maps can now become integrated. Commissioner Johnson asked who uses this technology. Interim City Manager Guinn stated that the information is used by the City on certainly a daily basis. Commissioner Johnson added that he thought the information is very valuable and useful. Commissioner Talley asked if the flyover was budgeted for. Interim City Manager Guinn stated that funding would come from the Water and Sewer budget; the maps would be available late February to early March. Commissioner Taylor moved, seconded by Commissioner Johnson to approve the agreement with Geary County for the City of Junction City to pay 25% of the cost of the aerial photography flyover; City share would be \$12,450.00. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance G-1063 adopting the recommendation of the Junction City/Geary County Metropolitan Planning Commission (MPC) to amend the Junction City Zoning Regulations. (First Reading) David Yearout Presenting. The proposed regulation would bring City code up to Kansas policy by restricting daycare facilities from multi-family and mobile home residencies. Scott Johnson asked if anyone showed up to the MPC meeting to discuss the changes. David Yearout stated that a daycare can be used by right but limited to 6 children; the Health Department works to inspect daycare facilities in Junction City. Interim City Manager Guinn stated that current daycare facilities will be grandfathered in. Mayor Heldstab asked whether duplexes are included in the regulation. David Yearout stated that single-family and duplex residencies will be allowed as daycare facilities. Mayor Heldstab asked that David Yearout stay in contact with the Health Department on this issue. David Yearout stated that he would continue to work with the Health Department on the issue. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve G-1063 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance G-1064 amending Title V, Building and Construction, of the Municipal Code of the City of Junction City by adding the Day Care Inspection Code. (First Reading) David Yearout Presenting. There is currently no language in the Municipal Code requiring the inspection of day care facilities; G-1064 would address basement and 2nd floor requirements, fire extinguishers, and provide for annual inspection with the Health Department. David Yearout stated that a future Resolution could be passed to adopt a fee schedule for inspections. Mayor Heldstab asked whether current day care facilities would be subject to the inspections. David Yearout stated that the Health Department currently inspects day care facilities; City staff would also participate in these inspections in the future. Commissioner Rhodes moved,

seconded by Commissioner Taylor to approve G-1064 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

COMMISSIONER COMMENTS

Commissioner Taylor thanked Jonice Pitts for organizing the scholarship breakfast event at the Dixon Center.

Commissioner Johnson wanted to reiterate that he feels people should come to the City Commission meetings to tell the Commission what they want.

Commissioner Rhodes stated that he did question the stated number of 32 employees at Ventria, but thought that the number was perhaps company wide. The expansion of the airport was subject to funding provided by the FAA on the project. It is too expensive for the City to study and provide signage at every intersection in town. Commissioner Johnson stated that he wanted to talk about the use of cell phones while driving. Commissioner Rhodes stated that he would support an ordinance that is enforceable, but would not like to have an ordinance simply for the sake of having an ordinance. Commissioner Rhodes asked if the City has submitted a request for funds to FEMA for snow removal. Interim City Manager Guinn stated the Ray Ibarra of Veolia has submitted a request.

Mayor Heldstab acknowledged the passing of Lavern Allen and stated that she will be missed by the community.

STAFF COMMENTS

Interim City Manager Guinn stated that a cost breakdown for overtime paid by the Police Department for Sundown Salute activities will be provided to the Commission.

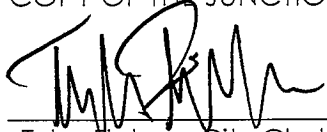
City Attorney Katie Logan stated that she had a conversation with Mrs. Koppenheffer regarding the details of the purchase of her land for airport expansion purposes; Sandy Koppenheffer was satisfied with the information. BKD will present their findings and provide a report at the March 2nd City Commission meeting. Commissioner Taylor stated that he would like the City Commission to see the report prior to the presentation. Commissioner Taylor stated that he would like to see the community move forward after the report.

Interim City Manager Guinn reminded the City Commission that the new City Manager Gerry Vernon will be in the office beginning on Monday, February 8, 2010.

ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Taylor to adjourn at 8:37 PM Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 16th DAY OF FEBRUARY 2010 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR FEBRUARY 2, 2010.



Tyler Hicken, City Clerk

Terry Heldstab, Mayor